

REMARKS

The Official Action of 27 March 2008 has been carefully considered and reconsideration of the application as amended is respectfully requested.

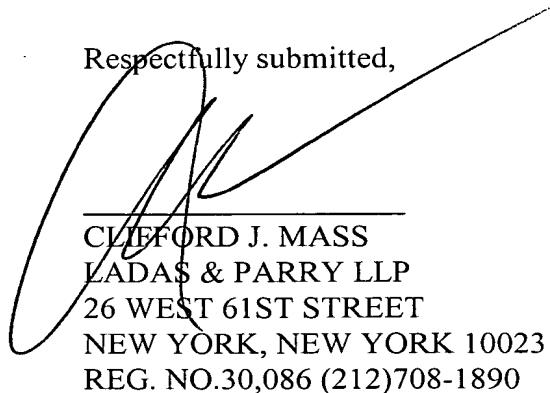
Applicants submit herewith the BP/4 forms requested by the Examiner at page 2 of the Official Action. Applicants also submit herewith a substitute specification, including a revised Sequence Listing, to remove the bases for the objections appearing at pages 2 and 3 of the Official Action.

The revision to the Sequence Listing includes a revision to certain of the sequences to correct errors in the Sequence Listing and thereby to assure consistency between the sequences in the Sequence Listing and those in the application as filed. Specifically, the following changes have been made: (a) the peptide sequence of the modified staphylokinas SAK-2 peptide of SEQ ID NO: 3 has been replaced with the sequence described in Fig. 11 of the drawings, and (b) the nucleotide sequence of the modified staphylokinas SAK-2 gene of SEQ ID NO: 2 has been revised to change the nucleotides at positions 16-18 and 22-24 (following the start signal “atg” at position 13-15) to “gcn” such that they encode Alanine-Glycine-Alanine (AGA) rather than Lysine-Glycine-Lysine (KGK), as described in Fig. 11. (Note: As would be clear to one of skill in the art, the Alanine of the modified SAK-2 peptide are encoded by one of gct, gcc, gca or gcg.) Neither of these changes introduces new matter into the application since both the errors and the corrections would have been obvious to those of skill in the art. See MPEP 2163.07(II) (“An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize

the existence of error in the specification, but also the appropriate correction.”).

Claim 2 has now been amended to recite that the claimed recombinant nucleotide sequence encodes the staphylokinase SAK-2 protein of SEQ ID NO: 3, and this amendment is respectfully believed to remove the basis for the rejection to claim 2 under 35 USC 112, first paragraph appearing at pages 3-5 of the Official Action. The amendments to the Sequence Listing are respectfully believed to remove the basis for the rejection under 35 USC 112, first paragraph to claims 5, 6, 8, 9 and 26-7. Specifically, the inconsistencies noted by the Examiner at pages 3-5 of the Official Action have been clarified by amendment. Moreover, one of skill in the art would readily appreciate from the specification as filed that Applicants were in possession of the subject matter now claimed as of the application filing date.

In view of the above, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,  
  
CLIFFORD J. MASS  
LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023  
REG. NO.30,086 (212)708-1890



MTCC

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

To Sri G.Rajamohan Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA  NAME AND ADDRESS OF THE DEPOSITOR	RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY Identified at the bottom of this page
<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR:  <i>E.coli pRM1</i>	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:  <b>MTCC 5146</b>
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by:  <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation  (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depository Authority accepts the microorganism identified under I above, which was received by it on _____ (date of the original deposit) <sup>1</sup>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
The microorganism identified under I above was received by this International Depository Authority on <u>19.03.2002</u> (date of the original deposit) and a request to convert the original deposit under the Budapest Treaty was received by it on <u>25.03.2004</u> (date of receipt of request for conversion)	
<b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: <u>Dr. G.S.PRASAD</u>  Address: Microbial Type Culture Collection & Gene Bank Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	<u>MTCC-an IDA</u> <i>G.S.P.</i> <b>Institute of Microbial Technology</b> Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <b>SECTOR 39-A, CHANDIGARH-160 036</b> <b>INDIA</b> Date: <u>30.03.2004</u>

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of International Depository Authority was acquired

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<p>To</p> <p>Sri G.Rajamohan Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA</p> <p>NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED</p>	<p>VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITORY AUTHORITY Identified on the following page</p>
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I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: Sri G.Rajamohan Address: Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA</p>	<p>Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY <b>MTCC 5146</b> Date of the deposit or of the transfer: <b>30-03-2004</b></p>

III. VIABILITY STATEMENT
<p>The viability of the microorganism identified under II above was tested on <u>29.03.2004</u> <sup>2</sup> on that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> <sup>1</sup> viable <input type="checkbox"/> <sup>3</sup> no longer viable</p>

<sup>1</sup> Indicate the date of the original deposit or, where the new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box

**IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>1</sup>**

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name:  Dr. G.S. PRASAD Microbial Type Culture & Gene Bank	<i>G S Prasad</i> <b>MTCC, an IIDA</b> Signature(s) of person(s) having the power to represent the International Institute of Microbial Technology official(s) <b>Institute of Microbial Technology</b> <b>Sector 39-A, Chandigarh-160 036</b> <b>INDIA</b> Date: <b>30.03.2004</b>
Address:  Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	

<sup>1</sup> Fill in if the information has been requested and if the results of the test were negative.

<sup>1</sup> Form MTCC BP/9 (second and last page)

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<p><b>I. IDENTIFICATION OF THE MICROORGANISM</b></p> <p>Identification reference given by the DEPOSITOR: <b>E.coli pOXYSAK1</b></p> <p>Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: <b>MTCC 5147</b></p>	
<p><b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b></p> <p>The microorganism identified under I above was accompanied by :</p> <p><input checked="" type="checkbox"/> a scientific description  <input type="checkbox"/> a proposed taxonomic designation  <input type="checkbox"/> (Mark with a cross where applicable)</p>	
<p><b>III. RECEIPT AND ACCEPTANCE</b></p> <p>This International Depositary Authority accepts the microorganism identified under I above,  which was received by it on _____ (date of the original deposit)<sup>1</sup></p>	
<p><b>IV. RECEIPT OF REQUEST FOR CONVERSION</b></p> <p>The microorganism identified under I above was received by this International Depositary  Authority on <u>19.03.2002</u> (date of the original deposit) and a request to convert the original  deposit under the Budapest Treaty was received by it on <u>25.03.2004</u> (date of receipt of request for conversion)</p>	
<p><b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b></p> <p>Name: <b>Dr. G.S.PRASAD</b> <i>G.S.P.</i></p> <p>Address:  <b>Microbial Type Culture Collection &amp; Gene Bank Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India</b></p> <p><b>MTCC-an IDA</b>  <i>Institute of Microbial Technology</i>  <b>Sector 39-A, Chandigarh-160 036</b>  Date: <b>INDIA 30.03.2004</b></p>	

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of International Depositary Authority was acquired

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<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: Sri G.Rajamohan Address: Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY <b>MTCC 5147</b> Date of the deposit or of the transfer: <b>30-03-2004</b>

<b>III. VIABILITY STATEMENT</b>
The viability of the microorganism identified under II above was tested on <u>29.03.2004</u> <sup>2</sup> on that date, the said microorganism was <input checked="" type="checkbox"/> <sup>1</sup> viable <input type="checkbox"/> <sup>3</sup> no longer viable

<sup>1</sup> Indicate the date of the original deposit or, where the new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box

**IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup>**

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

<b>Name:</b>  Dr. G.S. PRASAD Microbial Type Culture & Gene Bank	<i>G.S.Prasad</i>  <b>MTCC and INDIA</b> Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 INDIA Date: 30.03.2004
<b>Address:</b> Institute of Microbial Technology Sector 39-A, Chandigarh - 160 036 India	

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

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<b>To</b>  Sri G.Rajamohan Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA  <b>NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED</b>	<b>VIABILITY STATEMENT</b> issued pursuant to Rule 10.2 by the <b>INTERNATIONAL DEPOSITORY AUTHORITY</b> Identified on the following page
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<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: Sri G.Rajamohan Address: Scientist Institute of Microbial Technology Sector – 39A Chandigarh – 160 036. INDIA	Accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY</b> <b>MTCC 5148</b> Date of the deposit or of the transfer: <b>30-03-2004</b>

<b>III. VIABILITY STATEMENT</b>
The viability of the microorganism identified under II above was tested on <u>29.03.2004</u> <sup>2</sup> on that date, the said microorganism was <input checked="" type="checkbox"/> <sup>3</sup> viable <input type="checkbox"/> <sup>3</sup> no longer viable

<sup>1</sup> Indicate the date of the original deposit or, where the new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

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<sup>3</sup> Mark with a cross the applicable box

**IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>1</sup>**

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name:  Dr. G.S. PRASAD Microbial Type Culture & Gene Bank	<i>G.S.P.</i> Signature of Dr. G.S. PRASAD, who has the power to represent the International Depository Authority or of authorised official(s). <b>MTCC BP/9</b> <b>Institute of Microbial Technology</b> <b>Sector 39-A, Chandigarh-160 036</b> <b>INDIA</b> Date: <b>30.03.2004</b>
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<sup>1</sup> Fill in if the information has been requested and if the results of the test were negative.